IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 137 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAJESH NATWARLAL SAMPAT

Versus

KRISHNARAJ NATWARLAL SAMPAT

Appearance:

MR PRAVIN GONDALIYA for Petitioner

MR DM THAKKAR for M/S THAKKAR ASSOC. for Respondent No. 1

MS HANSA PUNANI, APP for Respondent No. 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 12/12/2000

ORAL JUDGEMENT

Having heard the learned counsel for the parties, I am satisfied that both the courts have not committed any error what to say any illegality in exercise of their jurisdiction in passing of the impugned order. It is a

case where the petitioner is trying to convert the civil dispute into criminal dispute. The petitioner and respondent No.1 against whom he filed criminal application, are real brothers. The dispute pertains to some shares pertaining to the wife of the brother of father of the petitioner which was alleged to have been misappropriated by the respondents. This case was not believed by both the courts below and rightly so. In the result, this special criminal application fails and the same is dismissed. However, dismissal of this special criminal application will not come in the way of the petitioner to make his claim for shares by filing a suit if it is within limitation. Rule discharged. No order as to costs.

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(sunil)